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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,092	08/04/2003	Dean H. Vogler	CML01263H	5887
22917	7590	10/11/2007		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER NGUYEN, MINH DIEU T	
			ART UNIT 2137	PAPER NUMBER
			NOTIFICATION DATE 10/11/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com  
APT099@motorola.com

# Office Action Summary

Application No.

10/634,092

Applicant(s)

VÖGLER ET AL.

Examiner

Minh Dieu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the communication dated 7/17/2007.
2. Claims 1-11 and 13-18 are pending. Claim 12 has been cancelled.

### *Response to Arguments*

3. Applicant's arguments filed 7/17/2007 have been considered but are moot in view of the new ground(s) of rejection.

### *Oath/Declaration*

4. The Oath/Declaration objection has been withdrawn based on the filed amendments.

### *Specification*

5. The objection of the lack of Summary of the Invention has been withdrawn based on the information filed in the Remarks.

### *Claim Objections*

6. Claims 1-6, 7-11 and 13-14 are objected to because of the following informalities:
  - a) As to claims 1, 7-9, and 11, the phrase "comprising the steps of" should be **--comprising steps of--**.
  - b) As to claim 2, the phrase "the step of obtaining data comprises the step of obtaining data comprising an advertisement" should be **--the step of obtaining data**

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**comprises the advertisement--**; the phrase "the group consisting of a public service announcement, a legal warning, a commercial" should be **--the group consisting of a public service announcement, a legal warning, and a commercial--**.

c) As to claim 3, the phrase "the step of insuring" should be **--step of insuring--**.

d) As to claims 4-6, the phrase "comprises the step of" should be **--comprises step of--**.

e) As to claims 7 and 13, the phrase "DRM" should be **--Digital Rights Management (DRM)--**.

f) As to claim 8, the phrase "utilized to decrypt encrypted digital content" should be **--utilizing the content encryption key to decrypt an encrypted digital content--**.

g) As to claims 10 and 14, the phrase "the group consisting of a public service announcement, a legal warning, a commercial" should be **--the group consisting of a public service announcement, a legal warning, and a commercial--**.

h) As to claim 17, the phrase "encrypting the digital content with a content encryption key" should be **--encrypting the digital content with a content encryption key--**.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 6 recites hashing the advertisement and using a public key to obtain the content encryption key. As such it is not connected to what discloses in the specification (i.e. the hash result is combined with the DRM public key to produce the CEK, 2005/0033700, paragraph 0015).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3, 8-9, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Shmoon et al. (7,233,948).

a) As to claim 1, Shmoon discloses a method for rendering encrypted digital content, the method comprising steps of: obtaining data comprising an advertisement

and encrypted digital content (Shamoon: col. 7, lines 20-21, 52-53; col. 12, lines 21-32); rendering the advertisement to obtain a content encryption key from the advertisement; utilizing the content encryption key to decrypt the encrypted digital content; and rendering the digital content (Shamoon: col. 12, lines 37-45).

b) As to claim 3, Shamoon discloses a method of claim 1, further comprising step of insuring that the advertisement is completely rendered prior to rendering the digital content (Shamoon: col. 12, lines 37-45).

c) As to claim 8, Shamoon discloses a method for preparing an advertisement message, the method comprising steps of: creating an advertisement (Shamoon: col. 4, lines 43-47); and determining a content encryption key (CEK) based on the advertisement, utilizing the content encryption key to decrypt an encrypted digital content, wherein the CEK is only obtainable after rendering the advertisement (Shamoon: col. 12, lines 37-45).

d) As to claim 9, Shamoon discloses the method of claim 8, further comprising step of: prepending the advertisement message containing the CEK to the encrypted digital content; and transmitting the advertisement message containing the CEK and the digital content (Shamoon: col. 19, lines 47-58).

e) As to claim 13, Shamoon discloses an apparatus comprising: a DRM module obtaining data comprising an advertisement and encrypted digital content, rendering the advertisement to obtain a content encryption key from the advertisement, and utilizing the content encryption key to decrypt the encrypted digital content and a

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rendering module rendering the digital content (Shamoon: col. 7, lines 20-21, 52-53; col. 12, lines 21-32, 37-45).

f) As to claim 17, Shamoon discloses an apparatus comprising: digital content; an advertisement used to obtain a content encryption key; and logic circuitry for obtaining the content encryption key from the advertisement and encrypting the digital content with the content encryption key (Shamoon: col. 7, lines 20-21, 52-53; col. 12, lines 21-32, 37-45).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al. (7,233,948) in view of Stettner (2002/0104090).

Shamoon discloses the method of claim 1, however it is silent on the capability of having the advertisement comprises information taken from the group consisting of a public service announcement, a legal warning, and a commercial. Stettner is relied on for the teaching of having the advertisement comprises information taken from the group consisting of a public service announcement, a legal warning, and a commercial (Stettner: 0049).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of having the advertisement comprises information taken from the group consisting of a public service announcement, a legal warning, and a commercial in the system of Shamoon, as Stettner teaches so as to effectively provide advertisements to customers (Stettner: 0005, 0008).

13. Claims 4-6, 15-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al. (7,233,948) in view of Tam et al. (2003/0068043).

Shamoon discloses the method of claim 1 and hashing algorithm may be keyed or unkeyed (Shamoon: col. 60, lines 46-50). However it is silent on the capability of using the hashing algorithm on advertisement to obtain the content encryption key. Tam is relied on for the teaching of using the hashing algorithm on advertisement to obtain the content encryption key (i.e. Key\_control is generated by hashing the advertisement, Tam: 0062, 0064). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of using the hashing algorithm on advertisement to obtain the content encryption key in the system of Shamoon, as Tam discloses, so as to secure the distributed data (Tam: 0003).

14. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shamoon et al. (7,233,948) in view of Kovac et al. (6,988,277).

Shamoon discloses the method of claim 1 further comprising steps of receiving a DRM rules file (Shamoon: Abstract). However it is silent on the capability of analyzing



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the DRM rules file to determine a length of advertisement. Kovac is relied on for the teaching of analyzing the DRM rules file to determine a length of advertisement (Kovac: col. 2, lines 21-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of analyzing the DRM rules file to determine a length of advertisement in the system of Shamoon, as Kovac teaches, so as to provide an efficient advertisement sponsored content distribution (Kovac: col. 1, lines 13-17).

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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mdn

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A handwritten signature in black ink, appearing to read "Nguyen L. M. D. M.", written in a cursive style.